

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JULY 10, 2001 - 7:00 P.M.**

A. CALL TO ORDER

Mayor Rodney G. Nauert called the regular meeting of the City Council of the City of Copperas Cove, Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Annabelle Smith led the Invocation and the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bradi D. Diaz
Ray Don Clayton
John F. Gallen (Excused Absence)
Charlotte Heinze
Fred Harris
Bud Owsley
Annabelle Smith

Richard Torres, City Manager
Pamela Russell, City Secretary
Sara Hartin, City Attorney

D. ANNOUNCEMENTS

Council member Harris

- Attended a meeting at the City of Killeen Airport and expressed thanks to the City of Killeen for taking into consideration all surrounding cities when they were planning the appearance of the new airport

Mayor Pro Tem Bradi Diaz

- Thanked General LaPorte for the invitation to attend the July 4th celebration at Fort Hood, Mayor Pro Tem Diaz had attended the ceremony representing the City, on behalf of Mayor Nauert.

E. PUBLIC RECOGNITION

- F. CITIZEN'S FORUM** citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Mary Dixon, 518 Joe Morse Drive - Thanked the Council for helping her resolve a problem, and expressed her support of the City Council.

Hilde Hilton, 1006 Creek Street – Ms. Hilton is the contact person for the Cove Country Opry. Ms. Hilton was seeking support for promoting and advertising the Opry program.

Ross Hilton, 1006 Creek Street – Mr. Hilton said he had been diagnosed with throat cancer, and the Opry had kept him going, and that is why he is still here today, and asked the City Council to support the Cove Opry.

J.C. Holloway, 4403 Blueduck, Killeen – Demanded the City Council come and watch the Opry. He said it was a lot of fun, and it promotes the family.

Sharon Wardrup, Rt 2, Box 313 – Said she was representing all the people that attended the Opry that were bused from the Rosewood Community. She also requested support from the City Council.

James Steverding, 1901 Boland Drive – Is opposed to paying for house alarm fees. He said he believes that homeowners that install house alarms have saved the City thousands of dollars, by protecting their own homes, by not needing to call on the Police Departments.

Kristy Roberson, 920 Laurie Lane – Thanked the Cove Country Opry for helping the Boys and Girls Club, and said she appreciated all the Opry had done for them.

Earlene Faubion, Rt 2, Box 2501, Kempner – Expressed support and thanks to the Cove Country Opry, and asked for support from the City Council.

G. CONSENT ITEMS

1. Consideration and action on approval of minutes from June 19, 2001 Regular City Council Meeting and June 26, 2001, Special City Council Meeting.
Pamela Russell, TRMC, City Secretary

2. Consideration and action on removing from the table the appointment or reappointment of members to the Planning and Zoning Commission.
Wayne Herrington, City Planner

3. Consideration and action on removing from the table the appointment or reappointment of members and alternate to the Board of Adjustment.
Wayne Herrington, City Planner

Council member Ray Don Clayton made the motion to approve the consent items as presented. Mayor Pro Tem Bradi Diaz seconded the motion and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

I. ACTION ITEMS

1. Consideration and action on authorizing the City Manager to execute a Memorandum of Agreement between the Department of the Army and the City pertaining to a proposed land exchange. **Richard Torres, City Manager**

Council member Fred Harris made the motion to approve the item, as presented. Council member Owsley seconded the motion, and with a unanimous vote the motion carried.

2. Consideration and action on authorizing the City Manager to execute a contract for professional engineering services with PBS&J for the Skyline Valley Drainage Improvements Project. **Paul Boyer, City Engineer**

Council member Charlotte Heinze made the motion to approve the item as presented. Council member Annabelle Smith seconded the motion, and with a unanimous vote the motion carried.

3. Consideration and action on the appointment of the lay representative to the Central Texas Library System (CTLS). **Peg Fleet, Library Director**

Council member Bud Owsley made the motion to appoint Donald O. Worrall as the lay representative to the Central Texas Library System (CTLS). Council member Fred Harris seconded the motion, and with a unanimous vote, motion carried.

Mayor Nauert adjourned the Regular meeting at 7:35 p.m. for the City Council to meet in Executive Session.

Mayor Nauert called the Regular Meeting of the City Council to order at 7:53 p.m.

4. Consideration and action on appointment or reappointment of members to the Planning and Zoning Commission. **Wayne Herrington, City Planner**

Council member Charlotte Heinze made the motion to appoint or reappoint the following individuals to the Planning and Zoning Commission:

Rita Hogan to Position Three for a term of three years from July 1, 2001 through June 30, 2004.

Steve Vitucci to Position Four for a term of three years from July 1, 2001 through June 30, 2004.

Willie McGuff to Position Five for a term of three years from July 1, 2001 through June 30, 2004.

Sandor Vegh to Position Seven to fill the unexpired term from July 1, 2001 through June 30, 2002.

Council member Fred Harris seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on appointment or reappointment of members and alternate to the Board of Adjustment. **Wayne Herrington, City Planner**

Council member Charlotte Heinze made the motion to appoint or reappoint the following individuals as members, and alternate to the Board of Adjustment:

Ron Clark to Position One for a term of two years from July 1, 2001 through June 30, 2003.

Jack Widup to Position Three for a term of two years from July 1, 2001 through June 30, 2003.

Patricia Thomas to Position Five for a term of two years from July 1, 2001 through June 30, 2003.

Fred Chavez to the Position of Alternate for a term of two years from July 1, 2001 through June 30, 2003.

Clementine Lewis to the Position of Alternate for a term of two years from July 1, 2001 through June 30, 2003.

Mayor Pro Tem seconded the motion, and with a unanimous vote, motion carried.

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| <p>6. Consideration and action on Resolution No. 2001-27 declaring the necessity to acquire a utility easement consisting of 1.160 acres and a 100 foot wide temporary construction easement across property owned by Lehmann Heritage Corporation; authorizing the City Manager to continue to negotiate the acquisition of the utility easement and temporary construction easement and authorizing the City Attorney to institute condemnation proceedings to acquire the utility and temporary construction easements if negotiations are unsuccessful. Sara Hartin, City Attorney</p> |
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Council member Fred Harris made the motion to approve Resolution No. 2001-27. Charlotte Heinze seconded the motion, and with a unanimous vote, motion carried.

The caption reads as follows:

RESOLUTION NO. 2001-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, DECLARING THE NECESSITY TO ACQUIRE A UTILITY EASEMENT CONSISTING OF 1.160 ACRES AND A 100 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT CONSISTING OF 4.63 ACRES (INCLUDING SAID 1.160 ACRES) ACROSS PARTS OF THE ELIZABETH JONES SURVEY NO. 1, ABSTRACT NO. 551, THE B.W. TOLLIVER SURVEY, ABSTRACT NO. 1035, AND THE W. D. MOSTELLER SURVEY, ABSTRACT NO. 758 IN CORYELL COUNTY, TEXAS; AND BEING ACROSS PART OF A 402 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM J. E. LEHMANN, ET UX, TO LEHMANN HERITAGE CORPORATION, DATED DECEMBER 15, 1984, AS RECORDED IN VOLUME 412, PAGE 416 OF THE OFFICIAL PUBLIC RECORDS OF CORYELL COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO CONTINUE TO NEGOTIATE THE

**ACQUISITION OF THE UTILITY EASEMENT AND
TEMPORARY CONSTRUCTION EASEMENT; AND
AUTHORIZING THE CITY ATTORNEY TO INSTITUTE
CONDEMNATION PROCEEDINGS TO ACQUIRE THE
UTILITY AND TEMPORARY CONSTRUCTION
EASEMENTS IF NEGOTIATIONS ARE
UNSUCCESSFUL.**

Council member Owsley made the comment that the City had gone the extra mile and done everything they possibly could to try and work this out with Mr. Lehmann.

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| 6. Consideration and action on Resolution No. 2001-28 declaring the necessity to acquire a utility easement consisting of 2.630 acres and a 100 foot wide temporary construction easement across property owned by Merle Summers, Jerry D. Summers, and B.J. "Bill" Summers; authorizing the City Manager to continue to negotiate the acquisition of the utility easement and temporary construction easement and authorizing the City Attorney to institute condemnation proceedings to acquire the utility and temporary construction easements if negotiations are unsuccessful. <i>Sara Hartin, City Attorney</i> |
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Council member Smith made the motion to approve Resolution No. 2001-28. Mayor Pro Tem Bradi Diaz seconded the motion, and with a unanimous vote, motion carried.

The caption reads as follows:

RESOLUTION NO. 2001-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COPPERAS COVE, TEXAS, DECLARING THE
NECESSITY TO ACQUIRE A UTILITY EASEMENT
CONSISTING OF 2.630 ACRES AND A 100 FOOT WIDE
TEMPORARY CONSTRUCTION EASEMENT
CONSISTING OF 10.19 ACRES (INCLUDING SAID 2.630
ACRES) ACROSS PART OF THE ELIZABETH JONES
SURVEY NO. 1, ABSTRACT NO. 551, IN CORYELL
COUNTY, TEXAS; AND BEING ACROSS PART OF A
399.66 ACRE TRACT OF LAND DESCRIBED IN A DEED
FROM C. W. SWOPE, ET UX, TO J.K. SUMMERS, ET
UX, DATED APRIL 10, 1959, AS RECORDED IN
VOLUME 209, PAGE 225 OF THE DEED RECORDS OF
CORYELL COUNTY, TEXAS; AUTHORIZING THE CITY
MANAGER TO CONTINUE TO NEGOTIATE THE
ACQUISITION OF THE UTILITY EASEMENT AND
TEMPORARY CONSTRUCTION EASEMENT; AND
AUTHORIZING THE CITY ATTORNEY TO INSTITUTE
CONDEMNATION PROCEEDINGS TO ACQUIRE THE
UTILITY AND TEMPORARY CONSTRUCTION
EASEMENTS IF NEGOTIATIONS ARE
UNSUCCESSFUL.**

Richard Torres, City Manager said that he had met with Mr. Summers late last week. Council member Ray Don Clayton said he was always concerned when the City had to go on a persons' property against the property owner's will.

8. Consideration and action on approving a professional services contract for legal services with Bickerstaff, Heath, Smiley Pollan, Kever & McDaniel, L.L.P. law firm to represent the City in condemnation proceedings against Lehmann Heritage Corporation and Merle Summers, Jerry D. Summers, and B.J. Summers for the acquisition of their property for a utility and temporary construction easements.
Sara Hartin, City Attorney

Mayor Pro Tem Bradi Diaz made the motion to approve the item as presented. Council member Smith seconded the motion, and with a unanimous vote, motion carried.

9. Consideration and action on the appointment of an alternate City Secretary.
Pamela Russell, City Secretary

Council member Charlotte Heinze made the motion to appoint Angelia Briggs as the alternate City Secretary. Council member Ray Don Clayton seconded the motion, and with a unanimous vote, motion carried.

10. Resolution 2001-29 "Resolution Of The Copperas Cove Economic Development Corporation Authorizing The Issuance Of Copperas Cove Economic Development Corporation Sales Tax Revenue Bonds". **Carol Mills, Executive Director, Economic Development Corporation**

Council member Bud Owsley made the motion to approve Resolution 2001-29. Carol Mills, Executive Director, Economic Development Corporation said it was important for the City Council to approve the resolution and show support of the EDC bonds. Council member Owsley said it was very important to note that there will be no cost to the tax payer. Council member Charlotte Heinze seconded the motion, and with a unanimous vote, motion carried.

The caption reads as follows:

RESOLUTION NO. 2001-29

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING A RESOLUTION OF THE COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, TAXABLE SERIES 2001; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

J. STAFF REPORTS

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

Council member Owsley– Workshop – Cove Country Opry

Council member Harris – Would like quarterly meetings held with area builders

Council member Heinze – Workshop – Code Enforcement

Mayor Pro Tem Diaz – Workshop – Joint Image Campaign Policies and Procedures

After reading the Executive Session items Mayor Nauert closed the Regular Session at 8:10 p.m.

M. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the appointment of members to the Planning and Zoning Commission and Board of Adjustment.
2. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the possible acquisition of real property in the 600 Block of South Main Street and 100 Block Robertson Avenue.
3. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the possible acquisition or condemnation of utility easements, Summers Road Sewer Extension Projects, specifically a utility easement across the Summers' property owned by B. J. Summers, Jerry D. Summers, and Merle Summers.
4. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the possible acquisition of utility easements, Summers Road Sewer Extension Projects, specifically a utility easement across the Lehmann Heritage Corporation's property.
5. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the duties of the City Secretary.
6. Pursuant to §551.071 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate on the contemplated litigation with G & R Construction.

M. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

Mayor Nauert reopened the regular session at 9:28 p.m.

No action was taken.

O. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:29 p.m.

Rodney G. Nauert, Mayor

ATTEST:

Pamela J. Russell, TRMC, City Secretary